

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

DEAN SKELOS and ADAM SKELOS,

Defendants.

S1 15 Cr. 317 (KMW)

**DECLARATION OF JOHN J. KENNEY**

I, John J. Kenney, hereby declare under penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice in the State of New York and before this Court, and I am member of the firm of Hoguet Newman Regal & Kenney, LLP, counsel for Adam Skelos in the above-captioned case.
2. I submit this declaration in support of the defendants' memorandum of law in opposition to motions to quash subpoenas served on Glenwood Management, Charles Dorego and Steven Swarzman.
3. On February 21, 2018, I placed a call to the Chambers of the Hon. Kimba Wood and advised the Judge's Law Clerk that the Defendants would be submitting a number of Rule 17(c) subpoenas for the Court's review and approval of a return date prior to trial. I was advised to send him the subpoenas via email and that he would get back to me if the Court had any questions. Pursuant to these directions and on the same day, Robert Gage, counsel for co-

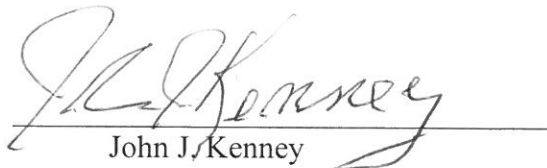
defendant Dean Skelos, emailed five Rule 17(c) subpoenas to the Court, including the subpoenas at issue in the instant motion to quash.

4. Later that afternoon, the Judge's Chambers advised both Mr. Gage and myself as follows: "Please submit these instead to the Clerk's Office. The best people for you to talk to are likely at the Cashier for the Financial Department of the Clerk's Office." (A copy of this email is attached as Exhibit A.) These subpoenas were subsequently submitted to the Clerk's Office, signed, and served on the respective recipients.

5. By letter dated March 7, 2018, Alan Levine, counsel for Glenwood Management Corporation, objected to the 17(c) subpoena served on his client, stating, *inter alia*, that the Court had not authorized its service with an advanced return date. Defense counsel arranged a conference call with Mr. Levine on March 15, 2018 and advised him that the Court had, in fact, directed that the subpoena be issued through the Clerk of the Court and had authorized service of the subpoena on Glenwood Management Corporation.

6. On March 16, 2018, I advised Chambers by phone of Mr. Levine's concerns regarding the lack of Court authorization for the Rule 17(c) subpoenas with a return date prior to trial and again confirmed that the defendants were directed to have the subpoenas issued by the Clerk's Office. I then memorialized this conversation in a letter to the Court, which was emailed by Allison Angel to Chambers, defense counsel, and Thomas McKay and Edward Diskant for the Government. (A copy of this email and letter is attached as Exhibit B.)

Dated: April 13, 2018  
New York, New York

  
John J. Kenney